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RCE  
1616

PTO/SB/30 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# Request For Continued Examination (RCE) Transmittal

Address to:  
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P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/843,000
Filing Date	4/26/01
First Named Inventor	Pagano et al.
Art Unit	1616
Examiner Name	Gollamudi
Attorney Docket Number	Rev 98-25

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☒ Information Disclosure Statement (IDS)
- ii. ☒ Affidavit(s)/ Declaration(s)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 18-1065

- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Julie Blackburn	Registration No. (Attorney/Agent)	32370
Signature	<i>Julie Blackburn</i>	Date	1/27/04

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Julie Blackburn	Date	1/27/04
Signature	<i>Julie Blackburn</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
Pagano, et al.

Serial No. 09/843,000

Filed: April 26, 2001

For: NAIL ENAMEL COMPOSITIONS,  
RELATED METHODS, AND A TWO  
COMPONENT KIT FOR PAINTING  
THE NAILS

Examiner: Gollamudi

Art Unit: 1616

X

Assistant Commissioner for Patents  
MAIL STOP AF  
P.O. BOX 1450  
ALEXANDRIA, VA 22131-1450

**AMENDMENT AFTER FINAL (37 C.F.R. §1.116)**

Dear Sir:

This paper and amendments are responsive to the Final Office Action mailed November 3, 2003, which sets a shortened statutory period for response of 3 months with a due date on or before February 3, 2004. This response is being filed within the period set for response. This application currently includes pending claims 1-19 and 21-36. Pending claims 1, 3-10, 21-23, 31, and 33, stand rejected under 35 U.S.C. §102(b) as anticipated by Perronin ('007). Claims 1, 3-12, 14, and 21-34 stand rejected under 35 U.S.C. §102(e) as anticipated by Bednarek ('878). Claims 2, 13, and 15-16 stand rejected under 35 U.S.C. §103(a) as unpatentable over Bednarek ('878). In addition, claims 17-19 and 35-36 stand rejected under 35 U.S.C. §103(a) as unpatentable over the combined teachings of Bednarek ('878) and Pagano et al. ('988). This response, additionally, includes amendments to the claims as follows:

Rev 98-25  
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